

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3 OF 2005
IN
CRIMINAL WRIT PETITION NO.1330 OF 2003

Pramod Gururaj Purohit ...Applicant

Versus

Mr.Vijayendra R.Draupathawar & Anr....Respondents

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Mr.S.C.Halli for Applicant.

Mr.Girish Kulkarni for Respondent No.1.

Mr.K.V.Saste, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 23, 2005.

P.C.

1. This Application prays for recalling the ad-interim order passed by this Court, as the Writ Petition has already been admitted. It presupposes that the Court was prima facie convinced about the merits of the case, as canvassed on behalf of the Writ Petitioner. If it is so, not a case for

vacating the ad-interim order as granted on 3rd October 2003.

2. The grievance that on account of the order as passed, the entire trial has been stalled, can be redressed by clarifying the position that the ad-interim order passed by this Court will enure only in favour of the writ Petitioner before this Court, who is accused No.7. The trial against the other accused shall proceed in accordance with law if the Trial Court so chooses to proceed. In other words, there is no stay in favour of other accused, except accused No.7, who is writ Petitioner before this Court.

3. This Application is disposed of with the above observations.

A.M.KHANWILKAR, J.